

September 1, 1954

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Assistant Attorney General

Attorney General

Assignment of assets of recipients to
Department of Public Welfare under R.L. c. 126

James J. Barry, Commissioner,
Dep't. of Public Welfare

Dear Mr. Barry:

You have inquired whether the Board of Public Welfare may require assignment of assets by recipients under all programs. It is my opinion that this may not properly be done.

R.L. c. 126, s. 33 as amended by c. 90, s. 12, Laws of 1951, provides that the Commissioner may require as a condition to the grant or continuance of old age assistance or aid to the permanently and totally disabled the transfer of assets of persons receiving such aid to the board upon certain conditions. Nowhere has the Legislature provided for the assignment or transfer of assets in relation to aid to needy blind or aid to dependent children.

It is true that section 3 of said chapter 126 gives to the board power to make such rules and regulations necessary to carry out the provisions of the chapter, but this power is limited to procedures authorized by the chapter. The Legislature has authorized a requirement of assignments in relation to old age assistance and aid to the permanently and totally disabled, and any rules or regulations deemed necessary must be limited to these programs. Any rule or regulation requiring an assignment regarding any other program would be requiring an assignment not authorized by the Legislature and would be an improper attempt to legislate by an administrative body.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

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